

Nguyen, Dave

Subject: FW: 100K

-----Original Message-----

From: kmagri@myersbigel.com [mailto:kmagri@myersbigel.com]
Sent: Friday, April 02, 2004 10:01 AM
To: Nguyen, Dave
Subject: RE: 100K

Looks great! Thanks. Have a good weekend.

-----Original Message-----

From: Nguyen, Dave [mailto:Dave.Nguyen@USPTO.GOV]
Sent: Friday, April 02, 2004 9:26 AM
To: Magri, Karen
Subject: RE: 100K

Thank you for your reply and inputs. Here are the replies to your suggestions:

1. DONE

2. DONE for claim 15. However, I realize that claim 2 is identidal in scope to its base claim 1. So I would suggest a cancellation of claim 2?

3. DONE

4. The changes were already done in the proposed amendment that I sent yesterday. They were written in full format.

5. DONE

6. DONE

7. DONE

8. DONE

Please see the attached updated version to see the reflect changes as indicated above.

Thanks again,

Dave Nguyen

amendment filed March 15, 2004.

Claims 1-5,13,15,16,25-41,59-70,75,80,82-86,94-98,105-109,111-116,132,133,146-148 and 207-222 are pending.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a personal interview with Attorney Karen Magri on April 1, 2004.

Applicant's response and applicant's amendment to claims 80 and 82 have been

considered and is found persuasive for the withdrawal of the prior art rejections . The following examiner's amendment is to update the status of the parent '749 application, and to correct antecedent basis recitations, and to clarify that the claimed propagation defective adenovirus vector comprising at least a heterologous nucleic acid sequence for expression is capable of being propagated in a complementing cell line without a helper.

In the specification, first paragraph (referred and entered by the preliminary amendment dated May 10, 2001), please change the "(now allowed)" to --, now US Pat No. 6,328,958 --.

The claims have been amended as indicated below:

1. (Currently Amended) A propagation-defective adenovirus vector comprising a recombinant adenovirus genome comprising a heterologous nucleic acid sequence, wherein the genome [that] lacks a coding sequence for a functional adenovirus 100K protein, and wherein said adenovirus vector can be propagated in a transcomplementing cell in the absence of a helper.

In claims 2, 4-5, 13, 15-16, 25-41, 60-65, 67-68, 70, line 1, add the -- vector -- between "adenovirus" and "of".

Claim 3 has been canceled.

59. (Currently Amended) A propagation-defective adenovirus vector comprising a recombinant adenovirus genome comprising a heterologous nucleotide sequence encoding a lysosomal acid β -glucuronidase, wherein the genome [that] lacks a coding sequence for a functional adenovirus 100K protein, and wherein said adenovirus vector can be propagated in a transcomplementing cell in the absence of a helper [and comprises a heterologous nucleotide sequence encoding a lysosomal acid β -glucuronidase].

66. (Currently Amended) The adenovirus vector of claim 59, wherein said lysosomal acid β -glucuronidase [protein or peptide] is human lysosomal acid β -glucuronidase.

69. (Currently Amended) An isolated [A] mammalian cell comprising the adenovirus vector of Claim 1.

75. (Currently Amended) An isolated [A] mammalian cell comprising the adenovirus vector of Claim 59.

In claim 80, line 5, insert -- adenovirus -- between "functional" and "100K".

In claim 86, line 3, insert -- adenovirus -- between "functional" and "100K".

94. (Currently Amended) An isolated DNA comprising a recombinant adenovirus genome comprising a heterologous nucleic acid sequence, wherein the genome [that] lacks a coding sequence for a functional adenovirus 100K protein, and wherein said recombinant adenovirus genome can be propagated in a transcomplementing cell in the absence of a helper.

105. (Currently Amended) A method of producing a propagation-defective adenovirus vector, comprising:

introducing the [a] propagation-defective adenovirus vector of claim 1 into a mammalian cell[, wherein the introduced propagation-defective adenovirus comprises a recombinant adenovirus genome that lacks a coding sequence for a functional 100K protein]; wherein the mammalian cell expresses a functional adenovirus 100K protein and transcomplements the function(s) lacking from the adenovirus genome; and collecting the propagation-defective adenovirus vector produced by said mammalian cell.

In claim 106, line 1, insert -- vector -- between "adenovirus" and "has".

In claim 112, line 1, insert -- vector -- between "adenovirus" and "is".

In claim 113, line 2, insert -- adenovirus -- between "functional" and "100K".

In claim 115, line 2, insert -- adenovirus -- between "functional" and "100K".

In claim 116, line 2, insert - functional adenovirus -- between "the" and "100K".

146. (Currently Amended) A method of producing a propagation-defective adenovirus vector, comprising:

introducing a bacterial plasmid comprising a recombinant adenovirus genome into a bacterial cell, wherein said adenovirus genome lacks a coding sequence for a functional adenovirus 100K protein, and wherein said adenovirus genome can be propagated

in a transcomplementing cell in the absence of a helper;
amplifying the bacterial plasmid in the bacterial cell;
recovering the amplified bacterial plasmid from the bacterial cell;
linearizing the recovered bacterial plasmid;
introducing the linearized plasmid into a mammalian cell that transcomplements
the deleted functions in the adenovirus genome; and
collecting the propagation-defective adenovirus vector.

In claim 207, line 3, insert -- adenovirus -- between "functional" and "100K".

In claim 210, line 3, insert -- adenovirus -- between "functional" and "IVa2".

In claim 211, line 3, insert -- adenovirus -- between "functional" and "polymerase".

In claim 212, line 3, insert -- adenovirus -- between "functional" and

"preterminal".

In claim 215, line 2, insert -- adenovirus -- between "functional" and "100K".

In claim 216, line 2, insert -- functional adenovirus -- between "the" and "100K".

In claim 218, line 3, delete the term "helper".

In claim 220, line 3, deleted the "particles".

In view of the above amendment, claims 1-2, 4-5, 13, 15, 16, 25-41, 59-70, 75, 80, 82-86, 94-98, 105-109, 111-116, 132, 133, 146-148 and 207-222 are allowable.